



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Eric BERREKLOUW EXAMINER : TBA  
SERIAL NO. : 10/594,363 ART UNIT : TBA  
FILED : September 26, 2006 CONFIRM NO.: 4683  
FOR ASSEMBLY COMPRISING A RING FOR  
ATTACHMENT IN A PASSAGE SURROUNDED  
BY BODY TISSUE AS WELL AS ...

July 2, 2008

STATEMENT OF FILING BY EXPRESS MAIL 37 CFR § 1.10

This correspondence is being deposited with the U.S. Postal Service on:  
July 2, 2008 in an envelope as "Express Mail Post Office to Addressee"  
Mailing Label No.: EB 908 953 002 US addressed to: Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**DECLARATION BY MARY WASHBURN  
IN SUPPORT OF PETITION FOR REFUND OF EXTENSION FEE**

I, Mary Washburn, hereby declare as follows:

1. I am a patent docket clerk at Abelman, Frayne & Schwab and have been employed in that capacity since December, 2005.
2. I previously worked in a similar capacity at the firm of Anderson Kill and Olick and at Michael N. Meller and Associates.
3. I am responsible for entering Office Actions received from the U.S. Patent and Trademark Office in our computerized record keeping system and also on the face of each individual file jacket.
4. Jay Cinamon, the attorney to whom the subject application is assigned, advised me on July 1, 2008 that a Notification of Missing Requirements of 22 January 2008, copy enclosed, had been mailed by the U.S. Patent Office but he had not received it. Mr. Cinamon advised me that he had learned of the foregoing from speaking on July

1, 2008 to Ms. Tamara Graysay at the PCT Help Desk when he inquired why the Official Filing Receipt still had not been received.

5. Mr. Cinamon then gave me the copy of the January 22, 2008 Notification of Missing Requirements which had been faxed to his attention by Ms. Graysay on July 1, 2008.

6. I immediately checked the computer records of the subject application as well as its file jacket, both of which are maintained in the ordinary and usual course of business, and found no entry for January 22, 2008 for a Notification of Missing Requirements. (Copies are enclosed.)

7. Since I always enter Office Actions from the U.S. Patent Office within a few days of their receipt, its non-entry to the best of my knowledge, information and belief can only be explained by the fact that it was never received at Ableman, Frayne & Schwab.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: Mary Washburn  
Mary Washburn

Date: July 2, 2008